

UNITED STATES DISTRICT COURT  
for the  
NORTHERN DISTRICT OF ILLINOIS

Lupe King, )  
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                )  
                )  
*Plaintiff,* )  
                )  
                )  
                )  
v.              )  
                )  
                )  
                )  
                )  
                )  
Robert Wilkie, ACTING SECRETARY, )  
OF VETERANS AFFAIRS, )  
(employer: James A. Lovell, FHCC) )  
                )  
*Agency/Defendant,* )  
                )  
                )

**MOTION for FINAL JUDGMENT**  
**PENDING JURY DEMAND**

Now Comes, Pro-Se Plaintiff, Lupe King, before Honorable Court, respectfully requesting to be granted “Final Judgment” in the above matter, in full favor of the described Pro-Se Plaintiff herein.

The background of this case has been set out in detail (emphasis added) in previous Motions filed in U.S. District Court of Southern Illinois under Honorable Judge Yandle, as well as great disclosure and discovery within the Administrative filings.

As such; due to redundancy, cost, and re-traumatizing Plaintiff; Pro-Se Plaintiff humbly request Court to deny Defendants ploy to further delay justice, and to move forward for the following reason(s):

- a) It is true, correct, undeniable and self-evident; that justice delayed is Justice denied; Pro-Se Plaintiff filed Civil Proceeding on 12<sup>th</sup> December 2016; based on Prima Facie, Civil and Disability Discrimination. Defense intentionally and maliciously (emphasis added) failed to respond. Pro-Se Plaintiff is solely (emphasis added) self-advocating; whereas Defense, has more than 1000 staff members that intentionally ignored, (emphasis added), all Plaintiff’s filings for 1102 days, 157 weeks/3 days, 3 years/7 days; to invoke their

response. It is also true, correct, undeniable and self-evident, that any non-government litigant would not have been granted leniency of this magnitude (emphasis added).

- b) It is true, correct, undeniable and self-evident; that Defense, knowingly and intentionally invoked 25 CFR § 11.448, Abuse of Office, (emphasis added) on a regular basis since the inception of complaint filings (12<sup>th</sup> December 2016) regarding this case under US District Court Southern District Illinois.

As such, it is true, correct and self-evident; with Defendants staff of more than 1000; Defense lacks legitimate reason (emphasis added) of failing to respond within the legal response timeframe; which is more than generous and favorable, to Defense.

As such, it is true, correct and self-evident; Defendant has intentionally forfeited all rights (emphasis added); as would any non-responsive, non-government litigant. Defendants' failure to act and failure to respond; their silence, is deemed compliance, with Plaintiff's allegations laid out in complaint; other than to engage in settlement agreement with Pro-Se Plaintiff.

- c) It is true, correct, undeniable and self-evident Defense successfully Motioned to have above case transferred to Northern District claiming to "enable them to have greater access to **all** the records on file."
- d) It is true, correct, undeniable and self-evident; that Defense only responded on last day, last hour; in efforts to prevent Default Judgement as Ruled by Honorable Yandle, on 18<sup>th</sup> December 2019.
- e) It is true, correct, undeniable and self-evident; that Pro-Se Plaintiff submitted settlement agreement twice (emphasis added) to Defense; which Defense is in possession and/or has access to both:
  - i) 1<sup>st</sup> submission: during Administrative stage
  - ii) 2<sup>nd</sup> submission: previous Motion in US District Southern Illinois District; under Honorable Judge Yandle

## **BRIEF**

It is true, correct, undeniable and self-evident; that James A. Lovell, FHCC Management was found to be in gross violation of 21 Civil and Disability Rights, as well as Retaliation (emphasis added) of Pro-Se Plaintiff, Lupe King; as submitted under CCP § 2025.620(a) EEO Investigation file:<sup>1</sup> and substantiates (emphasis added) James A. Lovell, FHCC gross violations

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<sup>1</sup> Initial EEO Investigation done by impartial EEO Investigator, Linda Harris; electronic file (over 3000 pages) is on hand with VA; Pro\_Se Plaintiff is request Court to Compel Defendant to submit electronic file to Northern District Court.

of Prima Facie and Civil Rights Discrimination, Retaliation and PHI/HIPPA violations by Defendants Representatives of James A. Lovell, FHCC.

It is true, correct, undeniable and self-evident; that Defense Counsel, Michael McFatridge, taunted, psychologically and emotionally abused Pro-Se Plaintiff by intentionally violating PHI/HIPPA<sup>2</sup>; as well as Defendants failure to comply with PHI/HIPPA protocol and intentionally traumatizing Plaintiff by failing to redact ALL PHI from court filings.

It is true, correct, undeniable and self-evident; that Defendant has stated that Pro-Se Plaintiff has “exhausted” 1<sup>st</sup> Amendment Rights during Administrative Proceedings, lending “preference” to Administrative filings, thereby admitting (emphasis added) to having access to Discovery and Disclosures but continues to be complicit in failure to render justice to Plaintiff.

It is true, correct, undeniable and self-evident; that in Defendants statement that Plaintiff has “exhausted” 1<sup>st</sup> Amendment Rights; demonstrates Defendant is complicit in denying Plaintiff any Constitutional Rights and the Amendments; perpetuating Plaintiff employment inequality, ignoring Executive Order 13548, which states: the US Federal government is a “model for the employment of individuals with disabilities.” As such, “federal agencies are obligated under the Rehabilitation Act of 1973, as amended to affirmatively employ people with disabilities,” ‘creating an environment where their employees who have disabilities can “thrive.”’

It is true, correct and undeniable that EEOC Investigation Report substantiates that Defendant and his managerial representatives at the James A. Lovell, FHCC are a model for creating a hostile work environment; thereby denying Plaintiff equal liberty, economic freedom and putting her in an inferior and subordinate position.

It is true, correct, undeniable and self-evident, that although the 14<sup>th</sup> Amendment’s Equal Protection Clause grants ‘equal protection,’ ‘justice’ and ‘civil rights’; it was never actually intended to endorse social nor economic equality between Caucasians and African Americans.

Acknowledgement of the denial of said equality has been the foundation of the current Civil Rights Movement 2.0, taking place today.

## **CONCLUSION**

It is true, correct, undeniable and self-evident; that it is the Defendant’s intent to stall, deny and delay Plaintiff Due Process at taxpayer expense; in efforts to agitate her physical, emotional and mental state and overwhelm her.

Defendant lacks proper reasoning, other than their privilege, as to why for over 1000 days they failed to respond. Therefore, Pro-Se Plaintiff respectfully asks Court; under 45 CFR § 681.10;

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<sup>2</sup> Defense Counsel sent email to intentionally agitate, Plaintiff admitting he violated HIPP/PHI violations by accessing her personal medical records from his private computer: minimum fine of 50,000\$

to deny any consideration to Defendant, other than to move for settlement negotiations with Plaintiff.

Date: 03<sup>rd</sup> June 2020

Respectfully Submitted,

/s/ Lupe I. King  
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